



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/679,367 10/05/00 KANTERAKIS

E 57042-036

MCDERMOTT, WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096

WM01/0406

EXAMINER

BOCURE, T

ART UNIT

PAPER NUMBER

2631

**DATE MAILED:**

04/06/01

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 09/679,367	Applicant(s) Emmanuel Kanterakis et al.
Examiner Tesfaldet Bocure	Group Art Unit 2631

Responsive to communication(s) filed on Oct 5, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 5-20 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) 7-13 is/are allowed.

Claim(s) 5, 6, and 14-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on Oct 5, 2000 is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2631

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on October 5, 2000 and March 15, 2001 has/have been received and the initialed copy/copies ( two copies) of the 1449 is/are attached with this correspondence.

### ***Drawings***

2. The corrected or substitute drawing was received on October 5, 2000. The drawing is accepted by the Examiner.
3. The originally filed drawings on 10/05/2000 have been approved by the Draftsperson.

### ***Specification***

4. The text on the top of the pages have holes punched on them. The margins in the specification do not comply according to the C.F.R 1.52. The application, including the claims must have a ***margins of at least approximately 3/4 inch (2 cm)***. The text on the top of the pages have holes punched on them. A new specification is required. No new matter should be added.
5. Cross reference to the related (parent) US patent Application, Serial Number 09/273,508, should be disclosed on the first page of the specification under the title, "Cross Reference to

Art Unit: 2631

Related Applications.” The Patent Application should also be updated as ---issued as US patent number 6,619,759 on January 2, 2001---.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5,6 and 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 and 6: The claimed steps transmitting and receiving any of data and control information in lines 17-19 should be clearly recited as being responsive to one or more of the claimed steps in lines 7-16. The same is true with the claimed steps transmitting and receiving any of data and control information in claim 6 lines 16-19.

Claim 14: The claimed steps for: generating in lines 18; generating and outputting a packet comprising a collision detection preamble in lines 21-22; detecting a base station detection preamble in lines 23-25; generating and outputting a packet comprising data and control information in lines 26-27; and processing any of data and control information in lines 28-29, are connecting to each other in order to generate the final output.

Art Unit: 2631

Claims 15-20: Claims 15-20 are inherently rejected as being dependent on the rejected base claims.

***Allowable Subject Matter***

8. Claims 7-13 are allowed.
9. Claims 5,6 and 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.
10. Claims 15-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Amendment***

11. Applicant's amendment (preliminary amendment) to replace "MS" with--RS--- in page 3, lin 10, such a word "MS" can not be found in the above mentioned page and line. Therefore, the amendment has not been entered.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent numbers 5,305,308; 5,600,754 and 6,141,337 issued by English et al., Gardner et al., Uta et al. respectively and IEEE transaction by Dong In Kim et al. and Riaz

Art Unit: 2631

Esmailzadeh et al. respectively disclose a CDMA transmission system having means for controlling collisions between signals transmitted by a plurality of mobile stations.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Monday through Thursday the first week of a bi-week and Monday through Friday the second week of a bi-week from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305- 4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4743 or (703) 305-3988 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

*Tesfaldet Bocure  
Primary Examiner  
Art Unit 2631*

*T.Bocure*

April 5, 2001